IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19595 of 2004

Between:

Jayaram Contractors and Constructions, Kattubadipalem Pinapaka Post, G.Konduru Mandalam, Krishna District rep. by its Proprietor, D.Hanuman, S/o. Jayaram R/o.Kattubadipalem (V) Krishna District.

..... PETITIONER

AND

The Assistant Provident Fund Commissioner and Authority U/s 7A of the EPF&MP Act 1952, Sub Regional Office, 3rd Lane, Krishna Nagar,

Guntur 522 006, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondent in issuing the impugned proceedings rejecting the review petition filed by the petitioner firm vide Proceedings No.AP/SRO/GNT/39939/Comp-1/04/1124 dated 11.10.2004 without giving opportunity as arbitrary, illegal and unconstitutional and quash the same and consequetnly direct the respondent to pass appropriate order only after giving the opportunity to the petitioner firm and to pass.

Counsel for the Petitioner:MR.RAMA RAO GANTA

Counsel for the Respondent No.: MR.R.N.REDDY

The Court made the following :

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Oral Order:

Heard the learned counsel for the petitioner and also learned Standing Counsel for the respondent—Corporation and both the counsel have agreed for disposal of writ petition at the admission stage.

Petitioner's establishment was assessed under the provisions of Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act') by order dated 05-08-2004. Aggrieved by the same the petitioner sought for a review under Section 7B of the Act by raising several grounds. By the impugned order dated 11-10-2004 the petitioner's request for review was rejected. Questioning the same the present writ petition is field.

Section 7B only envisages that if the authority is of the opinion that the review is to be allowed, it shall do so only after giving notice to the parties for enabling them to appear and to hear them in support of their case. But Section 7B does not contemplate issuance of any notice of hearing, in case the authority is of the opinion that the review is liable to be dismissed.

This Court in W.P.No.11915 of 2003 dated 24-06-2003 held that it would be appropriate for the authority to entertain the review and dispose of the same after affording an opportunity to the parties.

Following the same and the reasons mentioned therein the impugned order dated 11-10-2004 rejecting the review application of the petitioner is set aside. The respondent is hereby directed to consider the matter afresh after affording an opportunity to the parties and pass appropriate orders.

The writ petition is accordingly allowed. No costs.

_____ A.GOPAL REDDY, J.

27-10-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Assistant Provident Fund Commissioner and Authority U/s 7A of the EPF&MP Act 1952, Sub Regional Office, 3rd Lane, Krishna Nagar,

Guntur 522 006, Guntur District.

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